FILED
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CHARLES ELMORE CROPL
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IN THE

Supreme Court of the United States

October Term, 1950.

No. 224.

ANDREW MACKAY, *Petitioner,*

v.

LOEW'S INCORPORATED, a corporation, *Respondent.*

SOREN P. THORSEN, *Petitioner,*

v.

WARNER BROTHERS PICTURES, INC., a corporation, *Respondent.*

RALPH W. COLLINS, *Petitioner,*

v.

REPUBLIC PRODUCTIONS, INCORPORATED, a corporation, *Respondent.*

C. EUGENE PARKS, *Petitioner,*

v.

R. K. O. RADIO PICTURES, INC., a corporation, *Respondent.*

JOHN I. MURRAY, *Petitioner,*

v.

COLUMBIA PICTURES CORPORATION, a corporation, *Respondent.*

JAMES VINCENT, *Petitioner,*

v.

UNIVERSAL PICTURES COMPANY, INC., a corporation, *Respondent.*

BENNETT SIMMONS, *Petitioner,*

v.

TWENTIETH CENTURY-FOX FILM CORPORATION, a corporation, *Respondent.*

CHARLES P. HILLMAN, *Petitioner,*

v.

PARAMOUNT PICTURES, INC., a corporation, *Respondent.*

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI.

ZACH LAMAR COBB,
920 Citizens National Bank Building,
Los Angeles 13, California
Counsel for Petitioners.

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CHARLES P. HILLMAN, *Petitioner*,

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PARAMOUNT PICTURES, INC., a corporation, *Respondent*.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI.

Petitioners pray that this Court grant rehearing of its order of October 9, 1950, denying the petition for a writ of

certiorari, and that a writ of certiorari issue to review the judgment of the Court of Appeals for the Ninth Circuit in the above entitled case as prayed for in the petition filed July 27, 1950, herein.

Reasons for Granting Rehearing and Issuing the Writ.

I.

On this October 23, 1950, this Court has denied the petition for mandamus and injunction in *Andrew MacKay, et al.* v. *National Labor Relations Board, et al.*, No. 168 Misc. The petitioners therein are identical with those of them who are petitioners herein. The contents of said petition for mandamus and its Appendices "A", "B", and "C", are here respectfully adopted by reference.

II.

On September 27, 1950, while said petition for mandamus was pending, and in disregard thereof, the National Labor Relations Board certified the International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators of the United States and Canada, AFL, respondent herein, called IATSE in the petition, as bargaining agent for petitioners herein, and their class, in the matters of:

1. Members of Association of Motion Picture Producers, Inc.;

2. Members of Independent Motion Picture Producers Association;

3. Ressan, Inc., d/b/a General Service Studios;

4. Hal Roach Productions;

5. Motion Picture Center Studios; and

6. Pine Thomas Productions.

The employees covered by said certification are identical with the class to whom petitioners belong, to wit: the

individual carpenters belonging to petitioner, Carpenter's Local No. 946, of the United Brotherhood of Carpenters & Joiners of America, AFL (Pet. No. 168 Misc., p. 4; R. herein p. 20).

A copy of the certification in the matter of the Members of Association of Motion Picture Producers, Inc., respondents herein, is hereto attached. The said other certifications are under the same case number, 21-R-4088, and in the same form.

III.

Said Labor Board has thereby:

1. Chosen the aggressor IATSE, respondent herein, as the bargaining agent for the locked out carpenter employees of the respondent Major Motion Picture Companies. This has been done without the consent of the carpenter employees, over their protest, and by means of denying them their constitutional and statutory right of a hearing in opposition to the IATSE application. (Pet. No. 168 Misc., pp. 6-9).

2. Nullified the masterful statement of constitutional law given by the late Mr. Justice Cardozo in *Ohio Bell Telephone Company* v. *Public Utilities of Ohio,* 301 U. S. 292 (Petition pp. 17, 18; and its App. p. 34), as applied to federal agencies by the late Mr. Chief Justice Hughes in *Morgan* v. *United States,* (Pet. pp. 17, 18; and its App. p. 32).

3. Nullified Section 7 of the National Labor Relations Act, as reenacted in the Labor Management Relations Act, 29 U. S. C. A. 157, in depriving employees of their right thereunder "to bargain collectively through representatives of their own choosing".

4. Drawn the curtain on collective bargaining and opened the door to collectivism.

IV.

Only this Court can protect the Constitution and laws of the United States from nullification by lawless aggressors and ultra vires official sanction.

V.

Only this Court can give these petitioners their day in Court for redress under the Constitution and laws of the United States.

VI.

Under Rule 33, of the rules of this Court, it is not the privilege of petitioners to renew argument on the grounds stated in the petition for granting a writ of certiorari. The petition is referred to for the direct conflicts in decisions there set forth. It is respectfully stated that the grounds given in the petition are adequate.

VII.

It is further respectfully submitted that unless a writ is granted as prayed, the federal labor law will be left in a state of confusion against the public interest, both as to jurisdiction based upon diversity of citizenship and arising under the Constitution and laws of the United States.

Respectfully submitted,

ZACH LAMAR COBB,
Counsel for Petitioners.

Dated October 23, 1950.

Certificate of Counsel.

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 33 of the rules of this Court.

ZACH LAMAR COBB,
Counsel for Petitioners.

APPENDIX "D"

Form NLRB-765a

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Case No. 21-R-4088

In the Matter of

MEMBERS OF ASSOCIATION OF MOTION PICTURE PRODUCERS, INC., and

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOTION PICTURE MACHINE OPERATORS OF UNITED STATES AND CANADA, AFL.

Certification of Representatives.

An election having been conducted in the above matter by the undersigned Regional Director of the National Labor Relations Board pursuant to the Board's direction, and in accordance with the Rules and Regulations of the Board, and it appearing from the Revised Tally of Ballots that a collective bargaining representative has been selected, and no objections having been filed by any of the parties within the time provided therefor.

Pursuant to the authority vested in the undersigned by the National Labor Relations Board,

IT IS HEREBY CERTIFIED THAT

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOTION PICTURE MACHINE OPERATORS OF UNITED STATES AND CANADA, AFL

has been designated and selected by a majority of the employees of the above-named Employer, in the unit heretofore found by the Board to be appropriate, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9(a) of the Act as amended, the said organization is the exclusive representative of all the employees in such unit for the purposes of collective bar-

gaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

Signed at Los Angeles, California, this 27th day of Sept., 1950.

On behalf of

NATIONAL LABOR RELATIONS BOARD
HOWARD F. LEBARON,
Regional Director for 21st Region
National Labor Relations Board